
**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RANDY MCCAIA,

Plaintiff,

v.

DR. TODD HAMILTON, DR.
KIMBERLY MCKOWAN, DR. AMY
ZIRBEL, CAPTAIN RYAN
BAUMANN, LT. MICHAEL
HELMEID, C.O. JOHN DIEDRICK,
SGT. BENJAMIN WERNER, C.O.
MICHAEL FUGATE, C.O.
SAMANTHA WILLIAMS, C.O.
SARAH HAUSCHULTZ, C.O. JARED
FRANKE, and C.O. RALPH MAKI,

Defendants.

Case No. 16-CV-175-JPS

JUDGMENT

Decision Following Remand. On September 2, 2016, this Court denied the plaintiff's third motion to appoint counsel. (Docket #48 and #53). On December 15, 2016, this Court granted the defendants' motion for summary judgment (Docket #60), denied the plaintiff's motion for summary judgment (Docket #66), denied the plaintiff's fourth motion to appoint counsel (Docket #76), and dismissed this action with prejudice. (Docket #80). Judgment was entered accordingly that same day. (Docket #81). On December 21, 2016, Plaintiff appealed. (Docket #82).

On July 24, 2018, this Court received a mandate (Docket #95) from the Seventh Circuit Court of Appeals in *Randy McCaa v. Todd Hamilton et al.*, No. 16-4209 (June 27, 2018), 893 F.3d 1027 (7th Cir. 2018), vacating this Court's judgment, reversing this Court's denial of the plaintiff's third

(Docket #48) and fourth (Docket #76) motions for appointment of counsel, and remanding for further proceedings.

In accordance with the mandate of the Court of Appeals:

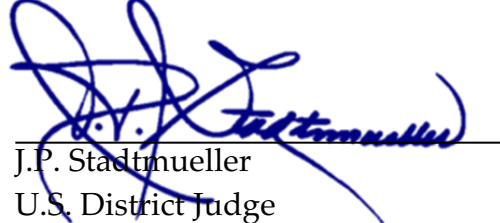
IT IS ORDERED AND ADJUDGED that the plaintiff's fifth motion for appointment of counsel (Docket #97) be and the same is hereby **DENIED**;

IT IS FURTHER ORDERED AND ADJUDGED that the Court's December 15, 2016 Order denying summary judgment to the plaintiff and granting summary judgment to the defendants (Docket #80) be and the same is hereby **REINSTATED**;

IT IS FURTHER ORDERED AND ADJUDGED that the Court's September 2, 2016 (Docket #53) and December 15, 2016 (Docket #80) Orders denying the plaintiff's third and fourth motions for appointment of counsel be and the same are hereby **REINSTATED**; and

IT IS FURTHER ORDERED AND ADJUDGED that this action be and the same is hereby **DISMISSED with prejudice**.

APPROVED:



J.P. Stadtmueller
U.S. District Judge

STEPHEN C. DRIES

Clerk of Court

s/ Jodi L. Malek

By: Deputy Clerk

March 21, 2019

Date